



PATENT  
Atty. Dkt. ROC920010109US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Emerick et al.

**Serial No.: 09/865,371**

**Confirmation No.:**

Filed: May 25, 2001

**For: Method and Apparatus  
Upgrade Assistance Using  
Critical Historical Product  
Information**

~~~~~

## Group Art Unit: Unknown

**Examiner:** Unknown

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Dear Sir:**

1000080 200782 09865371

150.00 CH

**CERTIFICATE OF MAILING**  
37 CFR 1.8

I hereby certify that this correspondence is being deposited on  
8/2, 2001, with the United States Postal  
Service as First Class Mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231.

8/2/01  
Date

Kurt Zuber  
Signature

## INFORMATION DISCLOSURE STATEMENT

The Applicant, and the Attorney who signs below on the basis of the information supplied by the inventor and the information in his file, submit herewith patents, publications, or other information of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

While the information submitted in this Information Disclosure Statement may be material pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is prior art for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possibly material information as defined under 37 CFR § 1.56(a) exists.

The patents and/or publications submitted herewith are set forth on the attached Form PTO-1449.

BEST AVAILABLE COPY

If the sum of \$180.00 is due under 37 CFR § 1.17(p) pursuant to § 1.97, the Commissioner is hereby authorized to charge this fee, and any other fee necessary to make this submission timely, to the Deposit Account No. 20-0782/IBMK1/0109.

Date: 8/02/01

Respectfully submitted,



---

Keith M. Tackett  
Registration No. 32,008  
THOMASON, MOSER & PATTERSON, L.L.P.  
3040 Post Oak Blvd., Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicant(s)

|                                                          |  |                            |                   |
|----------------------------------------------------------|--|----------------------------|-------------------|
| U.S. Department of Commerce, Patent and Trademark Office |  | Docket No.                 | Serial No.        |
| (PTO Form 1449 modified)                                 |  | ROC920010109US1            | 09/865,371        |
| LIST OF PATENTS AND PUBLICATIONS CITED BY APPLICANT      |  | Applicant<br>Emerick et al | Confirmation No.: |
| (Use several sheets if necessary)                        |  | Filing Date                | Group             |
| Examiner unknown                                         |  | 05/25/2001                 | Unknown           |

## U.S. Patent Documents

| *Examiner Initial |     | Document Number | Issue Date | Applicant(s) Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|-----|-----------------|------------|-------------------|-------|----------|----------------------------|
| DU                | A1  | 4,905,171       | 02/27/1990 | Kiel et al        | 364   | 551.01   | 11/09/1987                 |
| DU                | A2  | 5,408,618       | 04/18/1995 | Aho et al         | 395   | 325      | 07/31/1992                 |
| DU                | A3  | 5,627,766       | 05/06/1997 | Beaven            | 364   | 551.01   | 01/03/1995                 |
| DU                | A4  | 5,696,701       | 12/09/1997 | Burgess et al     | 364   | 551.01   | 07/12/1996                 |
| DU                | A5  | 5,758,071       | 05/26/1998 | Burgess et al     | 395   | 200.5    | 07/12/1996                 |
| DU                | A6  | 5,796,633       | 08/18/1998 | Burgess et al     | 364   | 551.01   | 07/12/1996                 |
| DU                | A7  | 5,949,976       | 09/07/1999 | Chappelle         | 395   | 200.54   | 09/30/1996                 |
| DU                | A8  | 5,961,596       | 10/05/1999 | Takubo et al      | 709   | 224      | 02/14/1997                 |
| DU                | A9  | 09/892,424      | —          | —                 | —     | —        | 06/27/2001                 |
| DU                | A10 | 09/892,435      | —          | —                 | —     | —        | 06/27/2001                 |
|                   | A11 |                 |            |                   |       |          |                            |
|                   | A12 |                 |            |                   |       |          |                            |
|                   | A13 |                 |            |                   |       |          |                            |

## Foreign Patent Documents

| *Examiner Initial |    | Document Number | Date | Country | Class | Subclass | Translation              |                          |
|-------------------|----|-----------------|------|---------|-------|----------|--------------------------|--------------------------|
|                   |    |                 |      |         |       |          | YES                      | NO                       |
|                   | B1 |                 |      |         |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|                   | B2 |                 |      |         |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|                   | B3 |                 |      |         |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|                   | B4 |                 |      |         |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|                   | B5 |                 |      |         |       |          | <input type="checkbox"/> | <input type="checkbox"/> |

## OTHER ART

| *Examiner Initial |    | Including Author, Title, Date, Pertinent Pages, Etc.                                                                                                                                       |
|-------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DU                | C1 | "Performance Management/400 Offerings and Services, including Performance Management/400 – Subset", Version 3, International Business Machines Corporation, Third Edition, September 1994. |
|                   | C2 |                                                                                                                                                                                            |
|                   | C3 |                                                                                                                                                                                            |

Examiner

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.